

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)  
WITHOUT FILING FEE AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

Mail Stop Patent Application

Atty. Dkt. 2558-71

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: February 25, 2004

22387 U.S. PTO  
10/785398  
022504

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

**AN ELECTROSURGICAL SYSTEM AND METHOD**

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

- ☐ Newly executed Declaration, ☐ Copy of Declaration from prior application, ☒ Abstract (1 page)  
☐ Please **delete** the following inventors in the continuation/division/continuation-in-part application:

**Deleted persons:**

- 42 pages of specification and claims (including 64 numbered claims), and  
15 sheets of accompanying drawing/s for Figures 1 - 15e.

☐ Attached is a Power of Attorney.

☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

**Application Number**

**Country**

**Day/Month/Year Filed**

9900964.9

GB

15/01/99

, respectively, the entire content of which is hereby incorporated by reference in this application..

☐ Certified copy(ies) of foreign application(s) is/are attached.

☒ Certified copy(ies) filed on May 30, 2000 in prior application no. 09/484,225 filed January 18, 2000

☐ This application claims the benefit of Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_, the entire content of which is hereby incorporated by reference in this application.

☒ This application is a ☐ continuation/☐ division/☒ continuation-in-part of Application Serial No. 10/406,603, filed April 4, 2003, which is a continuation-in-part of Application Serial No. 10/036,500, filed January 7, 2002, which is a continuation-in-part of Application Serial No. 10/024,348, filed December 21, 2001, now abandoned, which is a continuation-in-part of Application Serial No. 09/484,225, filed January 18, 2000, now U.S. Patent No. 6,336,926, issued January 8, 2002, the entire contents of which applications are hereby incorporated by reference in this application.

☐ Petition filed in prior application to extend its life to insure co-pendency.

☐ The prior application is assigned to Gyrus Medical Limited, Cardiff, United Kingdom,

☒ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.

☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.

☐ Please enter the attached preliminary amendment **prior** to calculation of filing fee:

☐ Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☐ Other:

1. Inventor: Nigel M. Goble British  
(first) MI (last) (citizenship)  
Residence: (city) Berks (state/country) United Kingdom  
Mailing Address: East Court Farmhouse, Stype, Hungerford, Berks  
(Zip Code) RG17 ORH

☐ See attached sheet(s) for additional inventor(s) information!!

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8<sup>th</sup> Floor, Arlington, VA 22201.  
Correspondence Address: NIXON & VANDERHYE P.C.

**Customer Number:**

23117

By Atty: Robert A. Molan, Reg. No. 29,834

Telephone: (703) 816-4000

Facsimile: (703) 816-4100

RAM:drt

Signature:

Robert A. Molan